

decision in Westminster Hall, marked by rare learning and ability, Lord Mansfield, with considerable reluctance, sullying his great judicial name, but in trembling obedience to the genius of the British Constitution, pronounced a decree which made the early boast a practical verity, and rendered Slavery forever impossible in England. More than fifteen thousand persons at that time held as slaves in English soil—four times as many as are now found in this District—stepped forth in the happiness and dignity of freedom.

With this guiding example let us not despair. The time will yet come when the boast of our Fathers will be made a practical verity also and Court or Congress, in the spirit of this British Constitution, will proudly declare that "no man under the Constitution can make hold property in man. For the Republic which a decree will be the way of peace and safety. As Slavery is banished from the national jurisdiction, it will cease to vex our national politics. It may linger in States as a local institution; but it will no longer engender national animosities, when it no longer demands national support.

II. From this general review of the relations of the National Government to Slavery, I pass to the consideration of the TRUE NATURE OF THE PROVISION FOR THE SURRENDER OF FUGITIVES FROM LABOR, embracing an examination of this provision in the Constitution, and especially of the recent act of Congress in pursuance thereof. And here we begin this discussion, let me however assure you candidly, not in prejudice, but in the light of history and of reason, let us consider this subject. The way will then be easy and the conclusion certain.

Much error arises from the exaggerated importance now attached to this provision, and from the assumptions with regard to its origin and primitive character. It is often asserted that it was suggested by some special difficulty, which had actually arisen, and apparently failed anterior to the Constitution. But this is one of the myths or fables with which the supporters of Slavery have surrounded their false god. In the Articles of Confederation, while provision is made for the surrender of fugitive criminals, nothing is said of fugitive slaves or servants: and there is no evidence in any quarter, until after the National Convention, of any hardship or solicitude on this account. No such view was held as to express desire for any provision on this subject. The story to the contrary is a modern fiction.

I put aside as equally fabulous the common saying that this provision was one of the original compromises of the Constitution and an essential condition of Union. Though sanctioned by eminent judicial opinions, it will be found that this statement has been hastily made, without any support in the records of the Convention, the only authentic evidence of the transaction; nor will it be easy to find any authority for the statement in any document, speech, published letter or pamphlet of any kind. It is true that there were compromises at the formation of the Constitution, which were the subject of anxious debate; but this was not of them.

There was a compromise between the small and large States, by which equality was secured to all the States in the Senate. There was another compromise mainly carried, under threats from the South, by the Slave States, where were allowed Representatives according to the whole number of free persons, and "three-fifths of all other persons," thus securing political power on account of their slaves, in consideration that direct taxes should be apportioned in the same way. Direct taxes have been imposed at only four brief intervals. The political host has been, and is, at this moment, sending troops to one member of the old Confederacy.

There was a third compromise, which cannot be mentioned without shame. It was that hateful bargain by which Congress were restrained until 1808 from the prohibition of the foreign slave trade, thus securing, down to that period, toleration for crime. This was pertinaciously pressed by the South, even to the extent of an absolute restraint on Congress. John Rutledge said: "The Convention thinks North Carolina, South Carolina, and Georgia, will ever agree to this [the Federal] Constitution unless their right to import slaves be untouched, the expectation is vain. The people of those States will never be so far as to give up so important an interest." Charles Pinckney said: "South Carolina can never receive the plan [of the Constitution] if it prohibits the slave trade." Charles Cotesworth Pinckney, in his bound hand to declare that the right in the Slave States to import slaves would stop her importation of slaves in any short time." The effort of the slaveholders was matched by the sordidness of the Eastern members, who yielded again. Luther Martin, the eminent member of the Convention, in his contemporary address to the Legislature of Maryland, has described the compromise: "I found," he says, "that the Eastern members, notwithstanding their aversion to Slavery, were very willing to indulge the Southern States, at least with a tacit assent, to prosecute the slave trade, provided the Southern States would in their turn gratify them by laying a heavy contribution on navigation acts." The bargain was struck, and at this price the Southern States gained the detestable indulgence. At a subsequent day, Congress branded the slave trade as piracy, and thus, by solemn legislative act, justified this compromise to be felonious and wicked.

Such are the three chief original compromises of the Constitution and the conditions of Union. The case of fugitives from labor is not of these. During the Convention, it was not in any way associated with these. Nor is there any evidence, from the records of this body, that this provision on this subject was regarded with any peculiar interest. As its absence from the Articles of Confederation had not been the occasion of solicitude or desire, and during the National Convention, it did not enter into the consideration of the Constitution. It was introduced at a late period of the Convention, and with very little and most casual discussion, adopted. A few facts will show how unfounded are the recent assertions.

The National Convention was convened to meet at Philadelphia on the second Monday in May, 1787. Several members appeared at this time: but a majority, having adjourned from day to day until the 25th, when the Convention was organized by the choice of George Washington, as President. On the 28th, a few brief rules and orders were adopted. On the next day they commenced their great work.

On this day Edmund Randolph, of slaveholding Virginia, laid before the Convention a series of sixteen resolutions, containing his plan for the establishment of a new National Government. Here was no allusion to fugitive slaves.

On the same day, Charles Pinckney, of slaveholding South Carolina, laid before the Convention what was called "a draft of a Federal Government, to be agreed upon between the free and independent States of America," an elaborate paper, marked by considerable minuteness of detail. Here are provisions, borrowed with a few changes, from the original system of state equal privileges in the several States; giving faith to the public records of the States; and ordaining the surrender of fugitives from justice. But this draft, though from the flaming guardian of the slave-interest, contained no allusion to fugitive slaves.

In the course of the Convention other plans were brought forward, on the 15th of June, a series of eleven propositions by Mr. Hamilton, of New York, "as to provide for the Federal Constitution adequate to the exigencies of Government, and the preservation of the Union;" on the 18th of June, eleven propositions by Mr. Hamilton, of New York, "containing his ideas of a suitable plan of Government for the United States;" and on the 19th June, Mr. Randolph's resolutions originally offered on the 25th May, "as altered, amended, and agreed to in Committee of the Whole House." On the 26th, twenty-one propositions, already adopted on different days in the Convention, were referred to a "Committee of Detail," to be reduced to the form of a Constitution. On the 6th August this committee reported the finished draft of a Constitution. And yet in all these various plans, and drafts, seen in number proceeding from committee members and from able committees, there was nothing made to fugitive slaves. For three months the Convention was in session, and not a word uttered on this subject.

As late as the 28th August, as the Convention was drawing to a close, on the consideration of the article providing for the privi-

leges of citizens in different States, we meet the first reference to this matter, in words worthy of note: "Gen. [Charles Cotesworth] Pinckney was not satisfied with it. He SEEMED to wish some provision should be included in favor of property slaves." But he made no protest. Unwilling to shock the feelings, and uncertain in his own mind, he only seemed to wish such a provision. In this vague expression of a vague desire this idea first appeared. "In this modest, hesitating speech is the germ of the audacious unhesitating Slave Act. Here is the little vapor, which has since swollen, as in the Arabian tale, to the power and dimensions of a giant. The next article under discussion provided for the admission of Michigan from the date of the State's Act of Feb., that it is a usurpation by Congress of powers not granted by the Constitution, and an infraction of rights secured to the States; and, secondly, that it takes away Trial by Jury in a question of Personal Liberty and a suit at common law. Either of these objections, if sustained, strikes at the very root of the Act. That it is obnoxious to both seems beyond doubt.

But here, at this stage, I encounter the difficulty, that these objections have been already foreclosed by the legislation of Congress and by the decisions of the Supreme Court; that as early as 1793 Congress assumed power over this subject by a bill of attainder, and the Supreme Court, in a question of the constitutionality of the offensive proposition was quietly withdrawn. The article for the surrender of criminals was then adopted. On the next day, August 29th, profiting by the suggestions already made, Mr. Butler moved a proposition—substantially like that now found in the Constitution—not directly for the surrender of fugitive slaves, as originally proposed, but of "fugitives from service or labor," which, without debate or opposition of any kind, was unanimously adopted.

The provision, which showed itself thus tardily and was so slightly noticed in the National Convention, was neglected in much of the contemporaneous discussion before the people. In the Conventions of South Carolina, North Carolina, and Virginia, it was commanded as securing the right of trial by jury that the trial of fugitives from service or labor, "in the vicinage, an eminent character, Mr. George Mason, with others, expressly declared that there was 'no security of property coming within this section.' In the other Conventions it was disregarded. Massachusetts, while exhibiting peculiar sensitiveness at any responsibility for Slavery, seemed to view it with unconcern. The Federalist, (No. 42) in its classification of the powers of Congress, describes and gives a long number to those "which relate to the promotion of science and literature, and the encouragement of agriculture, navigation, and commerce among the States," and therein speaks of the power over "the fugitives from labor." It is evident that the author of this article, in his judgment, had no objection to the existing Slave Act.

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The indifference which had thus far attended this subject still continued. The earliest act of Congress, in 1793, drew little attention to it. It was not originally passed by any difficulty or anxiety touching fugitives from labor; nor is there any record of the times, in debate or otherwise, showing that any special importance was attached to its provisions in this regard. The attention of Congress had been directed to fugitives from justice, and, with little deliberation, it undertook in the same bill to provide for both classes of cases. In this accidental manner was legislation on this subject first introduced.

There is no evidence that fugitives were often seized under this act. From a competent inquirer we learn that twenty-six years elapsed before a single slave was surrendered under it in any Free State. It is certain, that in a case at Boston, towards the close of the last century, illustrated by Josiah Quincy as counsel, the crowd about the magistrate at the examination quickly and spontaneously opened a way for the fugitive, and that the Act failed to be executed with tenacity. But, in a case at the beginning of the century, [the Federal] Supreme Court of this State, on application for the surrender of an alleged slave, accompanied by documentary evidence, refused to comply, unless the master could show a Bill of Sale from the Almighty. But even these cases passed without a trial.

In 1801, the subject was introduced into the House of Representatives by an effort for an amendment, which, on consideration, was rejected. At a later date, in 1817-18, though still disregarded by the country, it seemed to excite a short-lived interest in Congress. A bill to provide more effectually for reclaiming servants and slaves, escaping from one State into another, was introduced into the House of Representatives by Mr. Pindall, of Virginia, was considered for several days in Committees of the Whole, amended and passed by this body, when acting in the legislative capacities, but was not sent to the Senate to be considered by the Committee, having been referred to my father on his return from Washington, to ascertain that this question was not argued by counsel nor considered by the Court, and that he should still consider it an open one.

One prevailing opinion, which has created great perplexity, is that the fugitive slave is a fugitive from a trial by jury. This mistake arises from supposing the case to involve the general question as to the constitutionality of the Act.

Each public officer, who takes an oath to support the Constitution, swears that he "will support and defend the Constitution, so help him God, so help him his Honor."

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WASHINGTON, D. C.

For the National Era.

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GREENWOOD LEAVES FROM OVER THE SEA.

No. 11.

LONDON, August 6, 1852.

MY DEAR C. E.—On Monday evening last, my passion for horseflesh and some mirthful recollections of Bon Gaultier's ballads of the ring, led me to suggest *Astley*, to the kind friends who were inquiring what we should have next, in the way of amusement. The building was very full for the first two auditions on which it was neither large nor select; indeed, it was the lowest and noisiest house I ever looked down upon, and up at—for the pit and gallery held nearly all. It was an odd sight to me, to see baskets of cakes and oranges, and cans of beer carried about between the acts; to see old men and women, such as with us are never seen out, except it be at church or prayer-meeting, young men in their working dress, and their wives and babies in arms, all eating and drinking, and having a jolly laugh or a cosy gossip with their cronies.

The *Spectacle*—“Peter the Great” was very beautiful, and much of the acting fine, though Nature was everywhere sacrificed to stage effect. We saw some magnificent riding, under the direction of that illustrious personage of a mysteriously uncertain age, Mr. Widdicombe.

On Wednesday, I visited with my kind London friends, Mr. Bentwick, and his charming friend, Miss D——, the immense wine-vaults and tobacco warehouses at the Docks. These vaults extend over acres, and are richly stored with the genuine juice of the grape, piled, pipe on pipe, on either side of innumerable and seemingly interminable passages—the de-lightsome paths of Bacchus, the pleasant *longas* vies of old Silenus and his crew. With a guide, one could easily walk for hours in this wilderness of wines, finding himself quite at sea, though not far from Port, and just off Madeira. What a horrible place of torment in which to confine some ancient inebriate, without the means of helping himself to that which his soul loveth—wine, wine on every side, “and not a drop for a thirsty gossip.”

From the Docks we went to the Tower. This I found far from being the gloomy and venerable building I expected to see. The large towers of the Elephants were showing much white mortar. This and some repairs lately made, give the whole a structure and cheerful appearance, which it requires all the dark splendors and tragic terrors of old memories and historical legends to overshadow and render venerable.

Escorted by a warden in the costume of the yeomen of the guard of the time of Henry VIII, you enter the “cross” armory, and then the “cross” corner of White Tower. Here you see the effigies of the Kings, from Edward I to James II, with many of their distinguished knights and nobles, all mounted and clad in the very armor they sported, or rather supported, at tourney and fight. Francis Hastings bears up gallantly under a suit weighing upwards of a hundred pounds. The beautiful suite of Elizabeth's lovers, Leicester and Essex, are quite in character with the courtly splendor of those ancient fayres.

Perhaps the most magnificent, though one of the least ancient suits, is that of Charles I. It is gorgeously gilt and ornamented in arabesque. This gallery also contains countless curiosities of war, all varieties of arms and glorious trophies of battle and conquest. It is a place for English hearts to beat high, and swell with national pride. Queen Elizabeth's army in the great battle of the Armada, with its majestic array of her virgin Queen, Edward I to James II, with many of their distinguished knights and nobles, all mounted and clad in the very armor they sported, or rather supported, at tourney and fight. Francis Hastings bears up gallantly under a suit weighing upwards of a hundred pounds. The beautiful suite of Elizabeth's lovers, Leicester and Essex, are quite in character with the courtly splendor of those ancient fayres.

To-day, I have made a devout pilgrimage to the grave of Milton, in the parish church of St. Giles-in-the-Fields. The spot where the divine poet sleeps the sleep of the blessed is marked alone by a simple tablet, and the name of the author of the “Paradise Lost” is written on the stone.

This is a quaint, shadowed old church, where no one would step softly, in breathless awe, and listen, half-hoping to hear angels descending solemnly over the dust of earth.

Who so grandly told the wondrous story of creation, the fall and redemption of man, and who sung God's praise in such high, seraphic strains?

In this church Oliver Cromwell was married. Who ever thinks of the stern Puritan leader as a lover? And yet, such grand, craggy masses, as his have often the peacefulest, most sheltered nestings places for the gentlest human heart.

I doubt not he felt for his young wife a deep and manly devotion; and that he deeply loved at least one of his daughters, we have patetic evidence in the history of his last sad days.

I enjoyed a keen pleasure, a day or two since, in listening to some dramatic readings by Miss Glynn, a pupil of Charles Kemble. She is a young and handsome woman, and reads with a startlingly tragic expression of voice and face, that impresses an abhorrence and a caring sympathy on the audience. I never saw a more perfect example of the art of reading than she gave.

“This,” she said, “would seem to be the text which Wurth has taken, wherefrom to live his life, and yet suspect he know not single couplet of bard, ancient or modern.”

Some further conversation took place, in the course of which Mr. Durkee remarked that he knew Southern men in the Thirty-first Congress willing to support the Wilmot Proviso, who declared themselves in favor of circumscribing the institution of slavery.

The stripping was feeling his way through the dark, as I have described, when moving steadily along the lonesome hill, he espied a light in the distance, and, to his joy, he retraced his steps, for ghosts, he thought, were in the marrow in his bones to grow dumb, as if in the atmosphere of the grave; but remembering that Hartly would laugh at his fears, and that Wurth would frown, he went forward, albeit it was with a very faint heart.

Brighter and brighter the light shone, as though; and though he greatly feared to meet with the terrible influence, he let it might spirit him away, he was not afraid to meet it. When, at last, the walled fountain burst forth, and he stooped to fill the pitcher, the terrible fear of all came over him, lest a mighty hand should thrust him down, and the waters strangle him; so, turning away, he ran through the rain and the dark, and breathlessly entered the mill, the bottom of the stone vessel as dry as when he went forth.

“O, Hartly, let us fly,” he cried, “let us fly to the north, where the sun is never seen, for fear thickens the sense of fear.

He had, however, found the story, Hartly ran to the open window of the mill, over which hung the red ash bough, and, taking the light, clapped his hands for joy, and forthwith they both called Wurth to awake.

So soon as he heard about the light, he went to the window, shook the last leaves from the ash bough, and looked earnestly forth.

“A mere will-o'-the-wisp,” he said, “I am told after a while, he got the light, and went to bed.”

Hartly laughed aloud, beating quick time on the floor with his knuckles, and quickly curled his beard into a scowl, and remained silent.

“Then,” resumed Ralph, in a tone a little less tremulous, “they are murderers, who dig a grave,” repeating in a moment, as if to himself.

“So the two brothers and their murdered man.

“As ever, yours, GRACE GREENWOOD.

CASE OF RACHEL PARKER.

It is a little difficult, we think, to arrest discussion on the subject of slavery and our own relations to it, when such incidents are occurring as related in the Worcester *Daily Spy*.

Rachel Parker, who is now in Baltimore jail, was several months ago forcibly dragged from the house of Mr. Miller, in Chestnut street, by persons who are deep in it; their horrid heads must have been a sturdy fellow, who struck steadily, heavily, and but once. The beheading axe, which stands near this block, is rusty and blunt, by no means a formidable looking implement, yet it once went gleaming down to the neck of the princely Essex, and his noble blood spurting in the face of the executioner.

Within the walls of Peter under the government, lie the ashes of Sir Thomas More, Anna Soleyne, Rochester, Catherine Howard, Essex, Northumberland, Lady Jane Grey and her husband, and of many others whose names are crimson illuminations through page after page of English history.

The Council Chamber of the White Tower is a place of great interest, as having been the scene of the trial of Lord Hastings, by Richard of Gloucester.

Just before Raleigh's cell stands the beheading block—not the one used at his execution—but the one on which Lords Bladernier, Kildare, and Lucy, and Lord Grey were beheaded.

The beheading axe of the block is deep in it; their horrid heads must have been a sturdy fellow, who struck steadily, heavily, and but once. The beheading axe, which stands near this block, is rusty and blunt, by no means a formidable looking implement, yet it once went gleaming down to the neck of the princely Essex, and his noble blood spurting in the face of the executioner.

Frogs the Tower we went to Greenwich by water—a singular sight to a visitor, the galleries and chapel of the noble Marine Hospital. There are in the gallery many fine portraits, busts, and pictures of sea combats; and of the latter, some which are simply terrific and revolting.

Nelson is glorified, almost deified, in a series of pictures by different and widely differing hands. But no most vivid and heroic representation occurred to me than the splendid fighter and the generous captive, the sight of the clothes he wore when he fell—still dark with the stains of his deep death-wound.

It is a pathetic and yet a pleasant sight to see the gallant old sailors who fought under him, walking about this palace-like hospital, or sitting in the shade together, smoking, and telling old yarns of the sea. Most of them have lost an eye or a leg, or perhaps both; many are very old and feeble, yet all seem contented and robust.

It strikes me that the public charities of England are grandly conceived and nobly carried out. What is to be done in that way, if not done quickly, is well done, here, where alone you find the perfection of system and thorough-

ness.

“She was dragged from her native home and State, several months ago, by men who, in

doing so, violated the Constitution of the United States, and violated, also, the sovereignty of Pennsylvania; yet neither the United States nor Pennsylvania has resented this violation.

“A private citizen, however, in his feelings of justice and of love of justice, endeavored, at much trouble and expense, to legally vindicate the Constitution of the United States and the laws of Pennsylvania, in the case of this girl, and he was murdered for so doing; and yet neither his widowed wife nor Rachel Parker, has obtained any redress for their cruel wrongs.

The woman who was stolen remains in a Southern jail; the man who attempted to protect her, was buried in a common grave.

“As you please,” said Hardy, “but I, for one, care no longer for grit nor mill. Perhaps, before morning, I shall have more ingots than there are grains of corn in the hopper.” And shouldering a pickaxe, he went out into the night and the storm to dig for the buried jars of gold, and far behind him on the wind screamed his song.

“As you please,” said Wurth, “but I, for one, care no longer for grit nor mill. Perhaps, before morning, I shall have more ingots than there are grains of corn in the hopper.” And shouldering a pickaxe, he went out into the night and the storm to dig for the buried jars of gold, and far behind him on the wind screamed his song.

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